

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Commercial Taxes Department – Allegation of acquisition of assets disproportionate to known sources of legal income against Sri Md.Sirajuddin, I/c Assistant Commercial Tax Officer, O/o. Commercial Tax Officer, Machilipatnam, Krishna District (now Retired) – Case entrusted to Tribunal for Disciplinary Proceedings – Inquiry Report submitted – Communicated – Show Cause Notice – Issued – Representation – Submitted – Further action dropped in Disproportionate Assets case, pending finalization of departmental action for violation of Conduct Rules – Orders - Issued.

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**REVENUE (VIGILANCE-II) DEPARTMENT**

**G.O.Rt.No.890.**

**Dated: 16-10-2014.**

Read the following:-

1. From DG, ACB, C.No.110/RCA-VKI/2005-S9, dated: 03-04-2006.
2. Government Memo No.26696/Vig.I(2)/2005-8, dated: 02-02-2007.
3. Government Memo No.26696/Vig.I(2)/2005-8, dated: 24-05-2007.
4. From the Secretary, Tribunal for Disciplinary Proceedings, Hyderabad  
Letter Dis. No. S/25/2011, dated: 25-11-2011.
5. Government Memo No.26696/Vig.I(2)/05-13, dated: 06-02-2012.
6. Representation of Sri Md.Sirajuddin, ACTO (i/c) dated: 17-03-2012.
7. Govt. Memo No.26696/Vig. I(2)/2005-13, dated: 16-10-2012.
8. Representation of Sri Md.Sirajuddin, ACTO (i/c) dated Nil (now retired).

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**ORDER:**

Whereas, it has been brought to the notice of the Government that on credible information that Sri Md.Sirajuddin I/c. Assistant Commercial Tax Officer, O/o. Commercial Tax Officer, Machilipatnam, Krishna District possessed assets disproportionate to his known sources of legal income, the Anti Corruption Bureau authorities have investigated into the matter and submitted final report vide reference 1<sup>st</sup> read above, and recommended to prosecute the Accused Officer in a Court of Law, and also to initiate departmental action against him for violation of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

2. And whereas, the Government after examining the final report of the Director General, Anti-Corruption Bureau have decided to place the Accused Officer on his defence before the Tribunal for Disciplinary Proceedings and to initiate departmental action against him for violation of Andhra Pradesh Civil Services (Conduct) Rules, 1964. Accordingly Sri Md.Sirajuddin, I/c. Assistant Commercial Tax Officer has been placed on his defence before the Tribunal for Disciplinary Proceedings vide reference 3<sup>rd</sup> read above in respect of allegations of acquisition of assets disproportionate to known source of income. Simultaneously the Commissioner of Commercial Taxes has been requested to initiate departmental action against the Accused Officer for violation of Andhra Pradesh Civil Services (Conduct) Rules, 1964 vide reference 2<sup>nd</sup> cited.

3. Whereas in the reference 4<sup>th</sup> read above, the Tribunal for Disciplinary Proceedings after completing enquiry has submitted the Inquiry Report (TEC No.10/2009) in respect of Sri Md.Sirajuddin, I/c. Assistant Commercial Tax Officer holding that the Charged Officer is in possession of disproportionate assets worth Rs.6,82,392/- and held that the charge is proved. The enquiry report has been communicated to Sri Md.Sirajuddin, I/c. Assistant Commercial Tax Officer (Retired) vide reference 5<sup>th</sup> read above with a direction to submit his representation on the findings of Tribunal for Disciplinary Proceedings. The Charged officer vide reference 6<sup>th</sup> read above has submitted representation explaining the facts of the case and requested to drop further action against him.

4. Whereas, the Government after examining the representation of the Charged Officer and the material available on record have provisionally decided to impose punishment of withholding of entire pension and gratuity in full on Sri Md.Sirajuddin, I/c. Assistant Commercial Tax Officer (Retired), under rule 9 of Andhra Pradesh Revised Pension Rules, 1980 read with Rule 7 of Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Rules, 1989. Accordingly, a Show Cause Notice has been issued to the Charged Officer vide reference 7<sup>th</sup> read above, with a direction to submit his representation on the provisional decision.

**P.T.O.,**

5. Whereas, Sri Md.Sirajuddin, I/c. Assistant Commercial Tax Officer (Retired), has submitted representation in the reference 8<sup>th</sup> read above, stating that the Tribunal for Disciplinary Proceedings has not considered the objection raised by the Charged Officer with regard to certain items under Assets, Income and Expenditure and if the same were considered and after allowing 20% margin on total Income, then there would be surplus savings and there will not be any disproportionate assets. Hence, he has requested to consider the same sympathetically and to exonerate him from the charge. The main contentions of the Charged Officer is that among other things he contended that the check period is upto 31<sup>st</sup> May, 2005, but whereas the Tribunal for Disciplinary Proceedings has considered the income of the Charged Officer, and his wife only upto 31<sup>st</sup> March, 2005 though the same were shown in the Income Tax Returns for the year 2005-06. Similarly the electricity charges borne by the tenants were also tagged to his expenditure account and that the income derived by them through rental and agriculture were not taken into consideration before arriving the disproportionate assets.

6. Government after detailed examination of the matter observes that the Check period is upto 31<sup>st</sup> May, 2005 and the income derived by the Charged Officer and his wife during the months of April and May, 2005 that are shown in the Income Tax returns for the year 2005-06 shall be considered as income derived during the check period, and similarly the monthly charges for the electricity meters which are under the occupation of the tenants naturally met by them, but the same was not considered during the enquiry. Government after considering the contentions of the Charged Officer and after allowing 20% margin on the total income as per instructions issued by Government in memo No. 623/Spl.C/2008-2, General Administration (Spl.C) Department, dated 15-10-2008 have come to the conclusion that the value of disproportionate assets held by the Charged Officer is very less. Therefore, Government have decided to drop further action against Sri Md.Sirajuddin, I/c. Assistant Commercial Tax Officer (Retired), in Disproportionate Assets case by giving benefit of doubt, pending finalization of disciplinary proceedings initiated against him for violation of Conduct Rules.

7. Accordingly, Government hereby ordered to drop further action against Sri Md.Sirajuddin, I/c. Assistant Commercial Tax Officer (Retired), in Disproportionate Assets case by giving benefit of doubt, pending finalization of the disciplinary proceedings initiated against him for violation of Andhra Pradesh Civil Services (Conduct) Rules, 1964.

8. The Commissioner, Commercial Taxes, Andhra Pradesh, Hyderabad shall take necessary further action in the matter and acknowledge the receipt of the order.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**S.P.SINGH**  
**PRINCIPAL SECRETARY TO GOVERNMENT**

**To**

Sri Md.Sirajuddin, I/c. Assistant Commercial Tax Officer (Retired).

**(through the Commissioner of Commercial Taxes, A.P, Hyderabad)**

The Commissioner of Commercial Taxes, Andhra Pradesh, Hyderabad.

The Deputy Commissioner (Commercial Taxes),

Vijayawada, Krishna District.

**Copy to:**

The Director General,

Anti-Corruption Bureau, Andhra Pradesh, Hyderabad.

The Secretary to Vigilance Commissioner,

Andhra Pradesh Vigilance Commission, Hyderabad.

SF/SC.

**// Forwarded :: By Order //**

**SECTION OFFICER**